

1 DISTRICT OF UNITED STATES  
2  
3 WESTERN DISTRICT OF MASSACHUSETTS  
4 CIVIL ACTION # 05-3500-JM *JMF*  
5  
6 JOSEPH F. SCHEBEL JR.,  
7 Plaintiff/Pro Se  
8  
9 vs.  
10  
11 JOHN MOCCIO,  
12 individually and in his official capacity as patrolman  
13 for the Agawam Police,  
14  
15 JOHN KUNASEK, JR.,  
16 individually and in his official capacity as patrolman  
17 for the Agawam Police,  
18  
19 RICHARD LIGHT, JR.,  
20 individually and in his official capacity as Lieutenant  
21 for the Agawam Police,  
22  
23 JAMES DONOVAN III,  
24 individually and in his official capacity as Sergeant  
25 for the Agawam Police,

DISTRICT OF MASSACHUSETTS  
CLERK'S OFFICE  
FILED  
MAR - 2 D 3:15 PM  
2005

*SJ, CF  
to CL*

1

2                   AGAWAM, CITY OF INC.,  
3                   which is duly organized under the laws of the  
4                   Commonwealth of Massachusetts is sued herein  
5                   in its official capacity as a corporation  
6                   under the laws of the Commonwealth,  
7

8                   RICHARD COHEN,

9                   individually and in his official capacity as Mayor of  
10                  Agawam, Massachusetts,

12                  ROBERT CAMPBELL,

13                  individually and in his official capacity as  
14                  Chief of Police of  
15                  Agawam, Massachusetts,

16                  defendants,

18                  COMPLAINT

19                  AND

20                  DEMAND FOR JURY TRIAL

21                  ON COUNTS

23                  INTRODUCTION

24  
25       This action arose out of the intentional deprivation and  
26       violations of Plaintiffs Guaranteed Constitutional rights  
27       under the 4<sup>th</sup>, 5<sup>th</sup> and 14<sup>th</sup> amendments of the United

1 States Constitution, and violations of his guaranteed  
 2 constitutional rights under Article VII, Article X, Article  
 3 XII, Article XIV, Article XX and Article XXIX in the  
 4 Massachusetts Constitution under PART THE FIRST  
 5 *A Declaration of the Rights of the Inhabitants of the*  
 6 *Commonwealth of Massachusetts.*

7  
 8 Plaintiffs asserts that all Defendants violated Schebel's  
 9 right while acting under the color of law.  
 10

11 **JURISDICTION**  
 12

13 Jurisdiction of the court arises under 28 U.S.C. secs.1331,  
 14 1337, 1343(a) and 1367(a); 42 U.S.C. secs. 1983 (civil  
 15 action for deprivation of rights), 1985(3) (conspiracy to  
 16 interfere with civil rights), 1986 (neglect to prevent),  
 17 1988 (proceedings in vindication of civil rights); 18  
 18 U.S.C. 1341; 18 U.S.C. 1511 (obstructing enforcement of  
 19 state law: and; 18 U.S.C. 1961 (and statues cited therein)  
 20 through 1968(RICO).  
 21

22 Jurisdiction is further arises out of Massachusetts Civil  
 23 Rights Act under Massachusetts General Law, c. 12, § 11i.  
 24

25 Jurisdiction of this court for the pendent claims is  
 26 authorized by F.R.Civ.P. 18(a), and arises under the  
 27 doctrine of pendent jurisdiction as set for in United Mine  
 28 Workers B. Gibbs, 383 U.S. 715 (1966)  
 29  
 30

31 **COMPLAINT AS FOLLOWS:**  
 32

33 **PARTIES**  
 34

35 1. Plaintiff, Joseph F. Schebel Jr. (hereinafter  
 36 "Plaintiff" or "Schebel"), is a natural born free  
 37 sovereign, American (United States) Citizen, a citizen of  
 38 the Commonwealth of Massachusetts, a freeman endowed by God  
 39 with numerous unalienable rights to "life, liberty and the  
 40 pursuit of happiness" which are rights specifically  
 41 identified in the Declaration of Independence and secured  
 42 by the United States Constitution and furthermore by the  
 43 Constitution of the Commonwealth of Massachusetts.  
 44 Plaintiff Schebel is domiciled at 71 Columbia Dr, Feeding  
 45 Hills, in the former County of Hampden, Commonwealth of  
 46 Massachusetts.  
 47

1   2. Defendant Officer John Moccio (hereinafter "Officer  
2   Moccio" or "Moccio" or "Defendant(s)'), who is or was  
3   employed as a police officer for the Agawam Police  
4   Department, with its headquarters located at 681  
5   Springfield Street, Feeding Hills, in the former County of  
6   Hampden, Massachusetts, United States of America is sued in  
7   her official and individual capacities at all times  
8   relevant to this complaint.  
9

10   3. Defendant Officer John Kunasek, Jr. (hereinafter  
11   "Officer Kunasek" or "Kunasek" or "Defendant(s)'), who is  
12   or was employed as a police officer for the Agawam Police  
13   Department, with its headquarters located at 681  
14   Springfield Street, Feeding Hills, in the former County of  
15   Hampden, Massachusetts, United States of America is sued in  
16   her official and individual capacities at all times  
17   relevant to this complaint.  
18

19   4. Defendant Richard Light (hereinafter "Lt. Light" or  
20   Light" or "Defendant(s)'), who is a natural person, who is  
21   or was employed as a lieutenant for the Agawam Police  
22   Department, with its headquarters located at 681  
23   Springfield Street, Feeding Hills, in the former County of  
24   Hampden, Massachusetts, United States of America is sued in  
25   his official and individual capacities at all times  
26   relevant to this complaint.  
27

28   5. Defendant James Donovan, III (hereinafter "Sgt.  
29   Donovan or "Dononvan" or "Defendant(s)'), who is a natural  
30   person, who is or was employed as a detective for the  
31   Agawam Police Department, with its headquarters located at  
32   681 Springfield Street, Feeding Hills, in the former County  
33   of Hampden, Massachusetts, United States of America is sued  
34   in his official and individual capacities at all times  
35   relevant to this complaint.  
36

37   6. Defendant City of Agawam Inc., (hereinafter "City" or  
38   "Defendant(s)") is duly organized under the laws of the  
39   Commonwealth of Massachusetts and is a municipality located  
40   in the former County of Hampden, Massachusetts, United  
41   States of America, herein is sued in its official capacity  
42   at all times relevant to this complaint.  
43

44   7. Defendant Mayor Richard Cohen (hereinafter "Mayor  
45   Cohen" or "Cohen" or "Defendant(s)") who is a natural  
46   person and the duly elected mayor of Agawam, Massachusetts,  
47   with a principal place of business located at City Hall, 36

1 Main Street, in the Town of Agawam, the former County of  
2 Hampden, Commonwealth of Massachusetts, United States of  
3 America, is sued in his individual and official capacity at  
4 all times relevant to this complaint.  
5

6 8. Defendant Chief Robert Campbell (hereinafter "Chief  
7 Campbell" or "Campbell" or "Defendant(s)") who is a natural  
8 person, who is or was the duly appointed chief of police  
9 for the City of Agawam, Massachusetts, with its  
10 headquarters located at 681 Springfield Street, Feeding  
11 Hills, in the former County of Hampden, Massachusetts,  
12 United States of America is sued in his individual and  
13 official capacities at all times relevant to this  
14 complaint.  
15

16 **FACTUAL BACKGROUND**  
17

18 9. On March 3, 2002 Officer Moccio along with Officer  
19 Kunasek entered Schebel property for the sole purpose to  
20 arrest him.  
21

22 10. As Moccio and Kunasek were entering Schebel's  
23 property, Schebel repeatedly requested Moccio and Kunasek  
24 to produce a warrant.  
25

26 11. Although Moccio has acknowledge that Schebel was  
27 requesting a warrant, Moccio and Kunasek ignored Schebel  
28 request and continue their illegal search of Schebel and  
29 items on Schebel property.  
30

31 12. Defendants Moccio and Kunasek failed to produce a  
32 warrant has never produced a warrant that would have given  
33 them the statutory authority to enter Schebel property to  
34 perform these acts.  
35

36 13. While Schebel was being arrested by Officer Moccio,  
37 Officer Kunasek was removing and seizing items from Schebel  
38 property without a warrant to seize these items.  
39

40 14. Schebel was then placed in handcuffs, and transported  
41 to the Agawam Police Department against his will.  
42

43 15. He was further finger printed and booked at the Agawam  
44 Police Department headquarters by Light.  
45

46 16. Defendant, Donovan, approved this arrest of Schebel.  
47

1   17. On or about April 12, Schebel filed a motion to  
2 dismiss these charges as they committed in clear violation  
3 of Schebel United States and Massachusetts Constitutional  
4 rights.

6 18. The presiding judge agreed with Schebel and dismissed  
7 the case.

COUNT I:

**VIOLATIONS OF 42 U.S.C. § 1983;**

# UNITED STATES CONSTITUTION;

**4<sup>TH</sup> AMENDMENT;**

---

**PROBABLE CAUSE**

14  
15 Schebel repeats and realleges and incorporates by reference  
16 the allegations in paragraph 1 through 18 above with the  
17 same force and effects as if herein set forth.

19 Schebel asserts that all Defendants had no probable cause  
20 to arrest Schebel on his property without a warrant.

**COUNT II:**

MASS. CIVIL RIGHTS ACT M.G.L. c.12 § 11I;

## UNITED STATES CONSTITUTION;

## **4<sup>TH</sup> AMENDMENT:**

---

**PROBABLE CAUSE**

27 Schebel repeats and realleges and incorporates by reference  
28 the allegations in paragraph 1 through 18 above with the  
29 same force and effects as if herein set forth.

31  
32 Schebel asserts that all Defendants had no probable cause  
33 to arrest Schebel on his property without a warrant.

**COUNT III:**

**VIOLATIONS OF 42 U.S.C. § 1983:**

## **UNITED STATES CONSTITUTION;**

## **5<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENTS;**

## **DUE PROCESS**

41 Schebel repeats and realleges and incorporates by reference  
42 the allegations in paragraph 1 through 18 above with the  
43 same force and effects as if herein set forth.

45 Schebel asserts that all Defendants failed to provide  
46 Schebel with his Due Process of the Law.

1                           **COUNT IV:**  
2                           MASS. CIVIL RIGHTS ACT M.G.L. c.12 § 11i:  
3                           UNITED STATES CONSTITUTION;  
4                           5<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENTS;  
5                           DUE PROCESS  
6

7 Schebel repeats and realleges and incorporates by reference  
8 the allegations in paragraph 1 through 18 above with the  
9 same force and effects as if herein set forth.  
10

11 Schebel asserts that all Defendants failed to provide  
12 Schebel with his Due Process of the Law.  
13

14  
15                           **COUNT V:**  
16                           VIOLATION OF  
17                           MASS. CIVIL RIGHTS ACT M.G.L. c.12 § 11i:  
18                           PART THE FIRST  
19                           A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE  
20                           COMMONWEALTH OF MASSACHUSETTS  
21                           ARTICLE VII  
22

23 Schebel repeats and realleges and incorporates by reference  
24 the allegations in paragraph 1 through 18 above with the  
25 same force and effects as if herein set forth.  
26

27 Schebel asserts that all Defendants violated Schebel right  
28 to his protection safety, prosperity and happiness under  
29 the color of law.  
30

31  
32                           **COUNT VI:**  
33                           VIOLATION OF  
34                           MASS. CIVIL RIGHTS ACT M.G.L. c.12 § 11i:  
35                           PART THE FIRST  
36                           A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE  
37                           COMMONWEALTH OF MASSACHUSETTS  
38                           ARTICLE X

39 Schebel repeats and realleges and incorporates by reference  
40 the allegations in paragraph 1 through 18 above with the  
41 same force and effects as if herein set forth.  
42

43 Although Article X provides that each individual of society  
44 has a right to be protected by it in the enjoyment of his  
45 life, liberty and property, according to standing laws,  
46 these defendants violated and failed Schebel in protecting

1 him in his enjoyment of his life, liberty and property,  
 2 according to standing laws.  
 3

4                   **COUNT VII:**  
 5                   **VIOLATION OF**  
 6                   **MASS. CIVIL RIGHTS ACT M.G.L. c.12 § 11i:**  
 7                   **PART THE FIRST**

8                   **A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE**  
 9                   **COMMONWEALTH OF MASSACHUSETTS**

10                   **ARTICLE XII**

11 Schebel repeats and realleges and incorporates by reference  
 12 the allegations in paragraph 1 through 18 above with the  
 13 same force and effects as if herein set forth.  
 14

15 All the Defendants by their concerted efforts deprived  
 16 Schebel of his life, liberty not by the law of the land as  
 17 guaranteed in Article XII of the Constitution of  
 18 Massachusetts.

19                   **COUNT VIII:**  
 20                   **VIOLATION OF**  
 21                   **MASS. CIVIL RIGHTS ACT M.G.L. c.12 § 11i:**  
 22                   **PART THE FIRST**

23                   **A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE**  
 24                   **COMMONWEALTH OF MASSACHUSETTS**

25                   **ARTICLE XX**

27 Schebel repeats and realleges and incorporates by reference  
 28 the allegations in paragraph 1 through 18 above with the  
 29 same force and effects as if herein set forth.  
 30

31 The defendants failed to obey the law and did suspend  
 32 and/or failed to execute the laws of the United States  
 33 and/or the Commonwealth of Massachusetts as guaranteed in  
 34 Article XX under PART THE FIRST A Declaration of the Rights  
 35 of the Inhabitants of the Commonwealth of Massachusetts of  
 36 the Massachusetts Constitution towards Schebel  
 37

38                   **COUNT IX:**  
 39                   **VIOLATION OF**  
 40                   **MASS. CIVIL RIGHTS ACT M.G.L. c.12 § 11i:**

41                   **PART THE FIRST**

42                   **A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE**  
 43                   **COMMONWEALTH OF MASSACHUSETTS**

44                   **ARTICLE XXIX**

Schebel repeats and realleges and incorporates by reference the allegations in paragraph 1 through 18 above with the same force and effects as if herein set forth.

The defendants failed to provide Schebel with a impartial interpretation of the laws, and to the administration of justice as guaranteed in Article XXIX under PART THE FIRST *A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts* of the Massachusetts Constitution.

COUNT X;

VIOLATIONS OF 42 U.S.C. § 1985(3);  
UNITED STATES CONSTITUTION;  
4<sup>TH</sup>, 5<sup>TH</sup>, 14<sup>TH</sup> AMENDMENTS;  
CONSPIRACY

Schebel repeats and realleges and incorporates by reference the allegations in paragraph 1 through 18 above with the same force and effects as if herein set forth.

As a result of the concerted unlawful acts by the Defendants, they have maliciously conspired against Schebel to violate Schebel's known and constitutional rights guaranteed by the United States Constitution along with the Commonwealth of Massachusetts.

COUNT XI:

VIOLATIONS OF M.G.L. c. 274 § 7 ¶ 3  
CONSPIRACY

Schebel repeats and realleges and incorporates by reference the allegations in paragraph 1 through 18 above with the same force and effects as if herein set forth.

As a result of the concerted unlawful acts by the Defendants, they have maliciously conspired against Schebel to violate Schebel's known and constitutional rights guaranteed by the United States Constitution along with the Commonwealth of Massachusetts.

COUNT XII:

VIOLATIONS OF 42 U.S.C. 1986,  
REFUSING OR NEGLECTING TO PROTECT AND PREVENT  
THE WRONGS CONSPIRED TO BE DONE

1 Schebel repeats and realleges and incorporates by reference  
2 the allegations in paragraph 1 through 18 above with the  
3 same force and effects as if herein set forth.  
4

5 Defendants, City of Agawam, Cohen, Campbell and Donovan  
6 have failed to protect and prevent Schebel for wrongs of  
7 his constitutional rights.  
8

9                   **COUNT XIII:**  
10                   **MALICIOUS ABUSE OF PROCESS**  
11

12 Schebel repeats and realleges and incorporates by reference  
13 the allegations in paragraph 1 through 18 above with the  
14 same force and effects as if herein set forth.  
15

16 Schebel asserts that all Defendants abused the process that  
17 has been established by the United States and Massachusetts  
18 Constitution have caused Schebel emotional, mental and  
19 financial harm.  
20

21                   **COUNT XIV:**  
22                   **BATTERY**  
23

24 Schebel repeats and realleges and incorporates by reference  
25 the allegations in paragraph 1 through 18 above with the  
26 same force and effects as if herein set forth.  
27

28 Defendant John Moccio committed a battery when he  
29 intentionally, harmfully and offensively touch Schebel when  
30 Handcuffing Schebel against his will.  
31

32                   **COUNT XV:**  
33                   **FALSE ARREST AND IMPRISONMENT**  
34

35 Schebel repeats and realleges and incorporates by reference  
36 the allegations in paragraph 1 through 18 above with the  
37 same force and effects as if herein set forth.  
38

39 Defendant Moccio and Kunasek intentionally, harmfully and  
40 voluntarily falsely arrested and falsely imprisoned Schebel  
41 by again his will.  
42

43                   **COUNT XVII:**  
44                   **FALSE ARREST AND IMPRISONMENT**  
45

1 Schebel repeats and realleges and incorporates by reference  
2 the allegations in paragraph 1 through 18 above with the  
3 same force and effects as if herein set forth.

5 Defendant Moccio, Kunasek, Light and Donovan intentionally,  
6 harmfully and voluntarily detained and confined Schebel  
7 again his will.

COUNT XVIII:  
EMOTIONAL, MENTAL AND FINACIAL  
HARM AND STRESS

3 Schebel repeats and realleges and incorporates by reference  
4 the allegations in paragraph 1 through 18 above with the  
5 same force and effects as if herein set forth.

7 Schebel asserts that all Defendants have caused Schebel  
8 emotional, mental and financial harm.

Defendant James Donovan III is liable under the doctrine of respondeat superior on all counts.

3 THEREFORE, Schebel is demanding a jury trial as for there  
4 is material facts that can only be decided by a jury.

6 WHEREFORE, Plaintiff demands judgment against defendants on  
7 all counts and further seeks relief against all Defendants  
8 jointly and severally, for actual, general, special,  
9 compensatory damages in the amount of \$5,000,000.00  
0 (Five Million and 00/100) per count and further demands  
1 judgment against each of said Defendant, jointly and  
2 severally, for punitive damages in the amount deemed at  
3 trial to be just, fair and appropriate.

6 March 2, 2005

RESPECTIVELY SUBMITTED,

Joseph F. Schebel Jr.

Plaintiff/Pro Se

71 Columbia Dr.

Feeding Hills, Mass. 01030

(413) 789-7515

JS 44 (Rev. 3/99)

**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

Joseph F Schebel Jr

(b) County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Joseph Schebel  
71 Columbia Dr  
Feeding Hill, MA 01030**DEFENDANTS**

John Muccio, ET AL.

County of Residence of First Listed

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

PTF	DEF	PTF	DEF
<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input type="checkbox"/> 4
<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5
<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury— Med. Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury— Product Liability	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<b>LABOR</b>	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 850 Securities/Commodities / Exchange
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Personal Injury	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 190 Other Contract			<input type="checkbox"/> 863 DIWC/DIWV (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 515 Habeas Corpus:	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 871 IRS... Third Party 26 USC 7609	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty		<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 245 Tort Product Liability	<input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		

**V. ORIGIN**

(PLACE AN "X" IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
---	---	--	---	--	---	--

**VI. CAUSE OF ACTION**

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Several U.S. Civil Right Violation Against the Plaintiff

**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMANDS

CHECK YES only if demanded in complaint:

JURY DEMAND:

 Yes  No**VIII. RELATED CASE(S) IF ANY**

(See instructions): JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

305871

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS1. Title of case (name of first party on each side only) Joseph Schebel v John Moccio

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.

II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730,  
740, 790, 791, 820\*, 830\*, 840\*, 850, 890, 892-894, 895, 950. \*Also complete AO 120 or AO 121  
for patent, trademark or copyright cases

III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310,  
315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371,  
380, 385, 450, 891.

IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660,  
690, 810, 861-865, 870, 871, 875, 900.

V. 150, 152, 153.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES  NO 

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES  NO 

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES  NO 

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES  NO 7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).YES  NO A. If yes, in which division do all of the non-governmental parties reside?Eastern Division  Central Division  Western Division 

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division  Central Division  Western Division 

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES  NO 

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Joseph SchebelADDRESS 71 Columbia Dr., Reading, MA 01865TELEPHONE NO. 789-7515